In the Claims

Claims 16 and 17 are pending in this application, wherein claims 1, 3-5, and 7-15 are being canceled without prejudice or disclaimer, and wherein claims 16 and 17 are being newly added, as follows:

1-15. (Canceled).

16. (New) A data delivery system including at least one mobile terminal and a data delivery server connected to the at least one mobile terminal via a network for delivering IP packets having payloads with data packets recorded internally therein to the at least one mobile terminal,

wherein a first mobile terminal of the at least one mobile terminal includes an application module issuing a request for data delivery to the data delivery server and a search packet sending module sending ping packets to the data delivery server as search packets, each ping packet having a different packet size,

wherein the data delivery server includes a search packet detecting module for detecting a search packet sent from the first mobile terminal and received by the data delivery server and for determining a maximum size for a single IP packet to be sent to the first mobile terminal based upon a packet size of the detected search packet, and wherein the data delivery server includes a packet generating module for determining a total number of data packets to be stored in a payload of the single IP packet based upon the maximum size for the single IP packet and for storing a set of data packets into the payload of the single IP packet, the set of data packets being of the total number of data packets determined by the packet generating module so as to prevent fragmentation of the single IP packet.

17. (New) A data delivery system according to claim 16, wherein, upon each sending of a ping packet to the data delivery server, the search packet sending module waits for an Internet Control Message Protocol (ICMP) packet undeliverableness message corresponding to the ping packet and, for each received ICMP packet undeliverableness message corresponding to the ping packet until no ICMP packet undeliverableness message corresponding to the ping packet is received, the search packet sending module resizes and resends the ping packet.